

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF BIG RIVERS)	
ELECTRIC CORPORATION FOR)	CASE NO.
ENFORCEMENT OF RATE AND SERVICE)	2019-00269
STANDARDS)	

ORDER

On July 31, 2019, Big Rivers Electric Corporation (BREC) filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1), requesting that the Commission grant confidential protection for ten years for certain information contained in the Direct Testimony of Michael T. Pullen (Pullen Testimony) and Exhibit Pullen-8.

In support of its motion, BREC argues that the designated information in Exhibit Pullen-8 consists of cost projections associated with the retirement of the Coleman Generation Station and that the information in the Pullen Testimony is derived from Exhibit Pullen-8. BREC contends that public disclosure of the subject information would give potential purchasers of the Coleman Station and potential bidders on the projects listed in the exhibit insight into BREC's valuation for the Coleman Station and the costs of the projects.

Having considered the motion and the material at issue, the Commission finds that the designated information contained in the Pullen Testimony and Exhibit Pullen-8 is generally recognized as confidential or proprietary; it therefore meets the criteria for confidential treatment and is exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1).

IT IS THEREFORE ORDERED that:

1. BREC's motion for confidential protection for is granted.
2. The designated information contained in the Pullen Testimony and Exhibit Pullen-8 shall not be placed in the public record or made available for public inspection for ten years or until further Order of this Commission.
3. Use of the material in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).
4. BREC shall inform the Commission if the material in question becomes publicly available or no longer qualifies for confidential treatment.
5. If a non-party to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, BREC shall have 30 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878. If BREC is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.
6. The Commission shall not make the requested material available for inspection for 30 days following an Order finding that the material no longer qualifies for confidential treatment in order to allow BREC to seek a remedy afforded by law.

By the Commission



ATTEST:

A handwritten signature in blue ink, appearing to read "J. B. Pinner". The signature is written in a cursive style with a large, sweeping underline.

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